

IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

ROBERT JONES

PLAINTIFF

VS.

CIVIL ACTION NO: 18-4937

WAFFLE HOUSE, INC.

DEFENDANT

**COMPLAINT WITH DISCOVERY ATTACHED**  
***(JURY TRIAL DEMANDED)***

**COMES NOW**, Robert Jones, by and through undersigned counsel, and files this her Complaint for damages and other relief against the Defendant Waffle House, Inc., and in support hereof, Plaintiff would show unto the Court the following to-wit:

**PARTIES**

1. That the Plaintiff, Robert Jones, is an adult resident citizen of Hinds County, Mississippi.
2. That the Defendant, Waffle House, Inc, is a Domestic Profit Corporation formed under the laws of the State of Mississippi. Process may be served upon this Defendant by serving its Chief Executive Officer, Mitzi Tate, 107 Marketridge Drive, Ridgeland, MS, 39157.

**JURISDICTION AND VENUE**

3. This civil action arises out of the negligent acts and omissions of the Defendant which were committed in whole or in part in the State of Mississippi against residents of the State of Mississippi. This Court has personal jurisdiction over the parties.
4. Venue is proper in the County Court of the Hinds County, Mississippi, since the cause of action arose and accrued there.

**FACTS**

**EXHIBIT A**

5. On or about the afternoon of June 28, 2018, Plaintiff was walking to the restroom when he believes a substance on the floor caused him to slip and fall.

6. At all relevant times, the Defendants owned, possessed, controlled, and/or managed Waffle House, Inc., where Plaintiff received his injuries.

7. Pursuant to agreement between the Defendant and/or their agents or employees, on one part, and the Plaintiff, on the other part, he was an invitee of the facility, at all times relevant.

8. Before June 28, 2018, the Defendant knew or should have known that the air vent was leaking water making it not reasonably safe. Despite their knowledge of these conditions, the Defendant did nothing to remedy or repair these unsafe conditions and inadequacies.

9. Contributing and/or proximate factors or causes of the injuries sustained by the Plaintiff include, but are not limited to, the unreasonably dangerous common areas, including the law of proper instruction and unreasonably dangerous conditions.

### **CAUSE OF ACTION**

#### **I.**

#### **FAILURE TO PROVIDE REASONABLY SAFE PREMISES**

10. Plaintiff adopts by reference the foregoing paragraphs.

11. The Defendant owed to Plaintiff an ordinary duty of care, specifically the duty to provide reasonable safety measures for the protection of the Plaintiff.

12. At the time of the injury to Plaintiff, Defendant failed to fulfill their duties of ordinary, reasonable care including failure to take reasonable safety precautions or measures to maintain Plaintiff's safety.

#### **II.**

#### **FAILURE TO WARN**

13. Plaintiff adopts by reference the foregoing paragraphs.

14. The Defendant owed to Plaintiff a duty to warn of known dangers or those dangers that with reasonable diligence they should have known.

15. The Defendant breached said duty owed to the Plaintiff and was negligent by failing to warn Plaintiff of the foreseeable harm he suffered.

16. The actions on the part of Defendant rise to the level of gross negligence, malice, or an intentional tort thereby subjecting the Defendant to individual liability.

17. Plaintiff's injuries occurred as a direct result and proximate consequence of all Defendants' negligence, breach of the duty of care. As a result of these Defendant's acts, omissions and misrepresentations, Plaintiff has been severely injured.

#### DAMAGES

18. Plaintiff adopts by reference the foregoing paragraphs.

19. Plaintiff seeks damages for severe and permanent mental and physical pain and suffering, emotional distress, medical expenses and inconvenience. Plaintiff demands actual, compensatory, incidental and consequential damages in an amount in excess of the jurisdictional minimum of this Court.

20. Defendants' actions, omissions and conduct were done without just cause and in reckless, conscious and/or knowing disregard for Plaintiff's rights and personal safety. Moreover, Defendants' actions, omissions and conduct constituted gross negligence. Plaintiff requests an award of punitive damages in an amount to deter the Defendants from similar or like conduct.

**WHEREFORE PREMISES CONSIDERED**, Plaintiff requests a trial by jury and demand from Defendant actual, compensatory, consequential and incidental damages in an amount of \$80,000.00 inclusive of all expenses, interest and costs and such other relief as the Court and the jury deem just.

RESPECTFULLY SUBMITTED, this the 15 day of December 2018.

ROBERT JONES

BY: 

DAMON R. STEVENSON, MSB# 102945  
COUNSEL FOR PLAINTIFF

OF COUNSEL:

STEVENSON LEGAL GROUP, PLLC  
1010 N. West Street  
Jackson, Mississippi 39202  
Telephone (769) 251-0207  
Facsimile (601) 608-7872

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## COVER SHEET

## Civil Case Filing Form

(To be completed by Attorney/Party  
Prior to Filing of Pleading)Mississippi Supreme Court  
Administrative Office of CourtsForm AOC/01  
(Rev 2016)

Court Identification Docket #

25 1 CO  
County # Judicial Court ID  
District (CH, CI, CO)121018  
Month Date Year

Case Year

2018

Docket Number

4937

Local Docket ID

This area to be completed by clerk

Case Number if filed prior to 1/1/94

In the County

Court of Hinds

County - First

Judicial District

Origin of Suit (Place an "X" in one box only)

 Initial Filing  
 Remanded Reinstated  
 Reopened Foreign Judgment Enrolled  
 Joining Suit/Action Transfer from Other court  
 Appeal Other

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual

Jones

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

 Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

 Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity

D/B/A or Agency \_\_\_\_\_

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

 Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:

D/B/A \_\_\_\_\_

Address of Plaintiff

1010 North West Street Jackson, MS 39202

MS Bar No. 102945

Attorney (Name &amp; Address)

Damon K. Stevenson

 Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: \_\_\_\_\_

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

 Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

 Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity

D/B/A or Agency \_\_\_\_\_

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

 Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:

D/B/A \_\_\_\_\_

MS Bar No. \_\_\_\_\_

Attorney (Name &amp; Address) - If Known

 Check (x) if child support is contemplated as an issue in this suit.\*

\*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

Domestic Relations

- Child Custody/Visitation
- Child Support
- Contempt
- Divorce:Fault
- Divorce: Irreconcilable Diff.
- Domestic Abuse
- Emancipation
- Modification
- Paternity
- Property Division
- Separate Maintenance
- Term. of Parental Rights-Chancery
- UIFSA (eff 7/1/97; formerly URESA)
- Other \_\_\_\_\_

Appeals

- Administrative Agency
- County Court
- Hardship Petition (Driver License)
- Justice Court
- MS Dept Employment Security
- Municipal Court
- Other \_\_\_\_\_

Business/Commercial

- Accounting (Business)
- Business Dissolution
- Debt Collection
- Employment
- Foreign Judgment
- Garnishment
- Replevin
- Other \_\_\_\_\_

Probate

- Accounting (Probate)
- Birth Certificate Correction
- Mental Health Commitment
- Conservatorship
- Guardianship
- Heirship
- Intestate Estate
- Minor's Settlement
- Muniment of Title
- Name Change
- Testate Estate
- Will Contest
- Alcohol/Drug Commitment (Involuntary)

 Alcohol/Drug Commitment (Voluntary) Other

Children/Minors - Non-Domestic

- Adoption - Contested
- Adoption - Uncontested
- Consent to Abortion
- Minor Removal of Minority
- Other \_\_\_\_\_

Civil Rights

- Elections
- Expungement
- Habeas Corpus
- Post Conviction Relief/Prisoner
- Other \_\_\_\_\_

Contract

- Breach of Contract
- Installment Contract
- Insurance
- Specific Performance
- Other \_\_\_\_\_

Statutes/Rules

- Bond Validation
- Civil Forfeiture
- Declaratory Judgment
- Injunction or Restraining Order
- Other \_\_\_\_\_

Real Property

- Adverse Possession
- Ejectment
- Eminent Domain
- Eviction
- Judicial Foreclosure
- Lien Assertion
- Partition
- Tax Sale: Confirm/Cancel
- Title Boundary or Easement
- Other \_\_\_\_\_

Torts

- Bad Faith
- Fraud
- Intentional Tort
- Loss of Consortium
- Malpractice - Legal
- Malpractice - Medical
- Mass Tort
- Negligence - General
- Negligence - Motor Vehicle
- Premises Liability
- Product Liability
- Subrogation
- Wrongful Death
- Other \_\_\_\_\_

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SUMMONS

TO: **WAFFLE HOUSE, INC.**  
**C/O CORPORATION SERVICE COMPANY**  
**7716 OLD CANTON ROAD, SUITE C**  
**MADISON, MS 39110**

NOTICE TO DEFENDANT

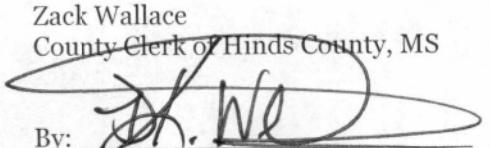
The Complaint which is attached to this summons is important and you must take immediate action to protect your rights.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Damon R. Stevenson, attorney for the Plaintiff, who post office address is Stevenson Legal Group, PLLC, and whose street address is 1010 N. West St. Jackson, MS 39202. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 10<sup>th</sup> day of Dec., 2018.

Zack Wallace  
County Clerk of Hinds County, MS

By:   
Deputy Clerk

